

IN THE UNITED STATES DISTRICT COURT  
FOR THE Western DISTRICT OF TEXAS  
Pecos DIVISION

Form To Be Used By A Prisoner in Filing a Complaint  
Under the Civil Rights Act, 42 U.S.C. § 1983

**FILED**  
SEP - 9 2015  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature]  
DEPUTY CLERK

Douglas Lee Walker #1891588  
Plaintiff's name and ID Number

Fort Stockton Unit (N5)  
Place of Confinement

CASE NO: 4:15-CV-049  
(Clerk will assign the number)

v.

Angelita Sanchez 1536 East I-10 Fort Stockton, TX. 79735  
Defendant's name and address

Kevin Blackshear 1536 East I-10 Fort Stockton, TX. 79735  
Defendant's name and address

Picky Lujan 1536 East I-10 Fort Stockton, TX. 79735  
Defendant's name and address  
(DO NOT USE "ET AL.")

### INSTRUCTIONS - READ CAREFULLY

#### NOTICE:

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of Texas prison units indicating the appropriate District Court, the Division and an address of the Divisional Clerks.

**FILING FEE AND IN FORMA PAUPERIS**

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth the information to establish your inability to prepay the fees and costs or give security therefore. You must also include a six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files and appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

**CHANGE OF ADDRESS**

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motions(s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedures.

**I. PREVIOUS LAWSUITS:**

- A. Have you filed any other lawsuits in the state or federal court relating to imprisonment? ✓ YES        NO
- B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)
  1. Approximate date of filing lawsuit: All I can remember is it was in 1994
  2. Parties to previous lawsuit:
 

Plaintiff(s): Douglas Lee Walker

Defendant(s): Robert Harris
  3. Court (If federal, name the district; if state, name the county) Northern
  4. Docket Number: I do not know that information
  5. Name of judge to whom case was assigned: I do not know that information
  6. Disposition: (Was the case dismissed, appealed, still pending?)
 

Dismissed
  7. Approximate date of disposition: UNKNOWN

(continue From page 2 of 5)

## I. Previous Lawsuits:

A. Have you filed any other lawsuits in this or Federal Court relating to imprisonment? ✓ Yes        NO

B. If your answer to "A" is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: August 19, 2015
2. Parties to previous lawsuit: Douglas Lee Walker  
Plaintiff(s):  
Defendant(s): Sheri J. Talley and Elizabeth Rios
3. Court (If Federal, name the district; if State, name the county) Western
4. Docket Number: I do not have that information at this time
5. Name of Judge to whom case was assigned: I do not have that information at this time.
6. Disposition: (was the case dismissed, appealed, still pending?) Still pending.
7. Approximate date of disposition: Still pending

II. PLACE OF PRESENT CONFINEMENT: Fort Stockton Unit (N5)

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution? ✓ YES     NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THE SUIT:

A. Name of address of plaintiff: Douglas Lee Walker #1891588  
1536 East I-10 Fort Stockton, TX. 79735

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Raul Hernandez, Co. III; Texas Department of Criminal Justice  
1536 East I-10, Fort Stockton, TX. 79735

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Violation of my religious rights: Wrote me a case for not shaving.

Defendant #2: David Hobbs, Lieutenant; Texas Department of Criminal Justice  
1536 East I-10, Fort Stockton, TX. 79735

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you.

Violated my religious rights: Administered punishment for not shaving.

Defendant #3: Angelita Sanchez, Co. IV; Texas Department of Criminal Justice  
1536 East I-10, Fort Stockton, TX. 79735.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. Violation of

my religious rights: Wrote me a case for "fail to obey orders for not shaving.

Defendant #4: Kevin Blackshear, Captain; Texas Department of Criminal Justice  
1536 East I-10, Fort Stockton, TX. 79735.

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. Violation of

my religious rights: Administered punishment for me practicing my religious beliefs.

Defendant #5: Ricky Lujan, Major; Texas Department of Criminal Justice  
1536 East I-10, Fort Stockton, TX. 79735

Briefly describe the act(s) or omission(s) of this defendant, which you claimed harmed you. Violation of

my religious rights: Grieved the cases could have stopped it all by simply ascertaining the truth.

**V. STATEMENT OF CLAIM:**

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal argument or cite any cases of statutes. If you intent to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR

#1 COMPLAINT ON or about the 11<sup>th</sup> day of May 2015 Officer Hernandez, Raul; Co III, Stopped me in the hallway at the Fort Stockton Unit and ask me why I haven't shaved? I told him I am a muslim and Federal law has mandated that I be allowed to grow my beard for religious reasons. Officer Hernandez said "I don't know nothing about that law, give me your I.d." And wrote me a case for refused to comply with grooming standards. I informed Officer Hernandez that he is in violation of Federal law and I will file a civil lawsuit on him.

#2 ON or about the 16<sup>th</sup> day of May 2015 Lieutenant Hobbs, the hearing officer on case #2015258161 and Step 2 grievance #2015147664 down the hearing Lt. Hobbs asked me why I haven't shaved? I told Lt. Hobbs "Federal law  
(Continue on attached sheet)

**VI. RELIEF:** State briefly exactly what you want the court to do for you. Make no legal arguments. Cite not cases or statutes. I would like For the Court to award me (10,000) ten thousand dollars against Officer Paul Hernandez. I would like For the Court to award me (10,000) ten thousand dollars against Lieutenant Hobbs.

I would like for the Court to award me (10,000) ten thousand dollars against officer Angelita Sanchez  
I would like for the Court to award me (10,000) ten thousand dollars against Captain Kevin Blackshear  
I would like for the Court to award me (10,000) ten thousand dollars against Major Ricky Lujan

**VII. GENERAL BACKGROUND INFORMATION:**

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Douglas Lee Walker (Texas only)

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if know to you. (Texas only)

263975, 457910, 538252, 576346, 670484, 1394733 and 1727813

**VIII. SANCTIONS:**

A. Have you been sanctioned by any court as a result of any lawsuit you have filed? ☐ YES ☒ NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (If federal, give district and division): N/A

2. Case Number: N/A

3. Approximate date sanctions were imposed: N/A

4. Have the sanctions been lifted or otherwise satisfied? N/A YES N/A NO

Mandates that due to my religious rights I am allowed to grow a beard because I am a muslim. Lt. Hobbs told me "That law only applies to the 6 muslims that filed the lawsuit." He told me until T.D.C. put a policy in place that will allow offenders to grow a beard for religious reasons I will continue to get wrote up. Lt. Hobbs punished me for practicing my religious beliefs he found me guilty of refused to comply with grooming standards for not shaving. And administered: 15 days commissary restriction and 15 days recreation restriction.

#3, ON or about the 16<sup>th</sup> day of May 2015 at the Fort Stockton Unit in the hallway by the chow hall Officer Sanchez, Angelita; Co. II ask me why I haven't shaved? I informed officer Sanchez that I am a muslim and Federal law mandates that I be allowed to grow my beard for religious reasons. Officer Sanchez ordered me to go shave or she will write me a case. I told officer Sanchez she will be violating my religious rights by forcing me to shave; Officer Sanchez said "I don't care about your religious rights." And wrote me a case for, failure to obey orders. That case was graded a major case and caused me considerable damage.

#4, ON or about the 18<sup>th</sup> day of May at a major court hearing on the Fort Stockton Unit in the office of Captain BlackShear; after going over the procedure of a major court hearing. Captain BlackShear said to me "I see you have a full beard; are you growing it because of religious reasons?" I said "yes sir." Captain BlackShear went on to say until T.D.C. get a policy to allow muslims to grow a beard I will continue to ge cases. I asked Captain BlackShear, "Do you have something in writing so that I will know when this policy will be?" He said "No."



I asked Captain BlackShear, "Are you telling me T.D.C. policy override Federal law?" His response was; all I'm saying is T.D.C. do not have a policy in place. Then I informed Captain BlackShear after he found me guilty for failure to obey orders; that I will file a civil law suit against him for violating my religious rights.

Captain BlackShear administered severe punishment to me by sentencing me to: 45 days commissary restriction, 45 days recreation restriction, 45 days loss of the use of Phone privilege, 30 days loss of goodtime and reduction of class from S4 to Line 1. Captain BlackShear violated my religious rights by administering punishment to me for practicing my religious beliefs.

#5. ON or about the 19<sup>th</sup> day of May 2015 at the Fort Stockton Unit before the Unit Classification Committee. Major Ricky Lujan, asked me was I growing my beard for religious reasons? I said "yes Sir." He then told me he will continue to see to it that I keep getting cases for not shaving and do not have any problem dropping my custody level to a E4. I asked Major Lujan do he have anything in writing to let me know when a policy will be in place to allow offenders to grow a beard for religious reasons? He said "NO" at that point Captain BlackShear intervene, saying "It's not a law in Texas, Texas is looking into whether they want to appeal the law." Major Lujan is guilty of partaking in violating my religious rights. Because Major Lujan greaded all the cases, when he could have stopped them all.

### Summary

The Fort Stockton Unit (N5) did not post anything concerning growing religious beards until July 15, 2015 about 6 months after the Supreme Court's decision. And did not allow offenders to grow religious beard until August 1, 2015 about 7 months after The Supreme Courts decision. Yet, all of the fore mention officers claim they where unaware of the religious beard Law. Ignorance is no excuse to break, disregard, ignore and violate the law.

When I break, disregard, ignore and violate the law I have to to pay, or face the consequences for my actions, so should the fore mentioned officers pay or face the consequences for their actions. A less restrictive means were available for the officers all they had to do was allow me to grow my beard until they ascertain the truth about The Supreme Courts decision. Not force me to "engage" in conduct that seriously violates my religious beliefs. Not wait for Texas Department of Criminal Justice to decide: When, where, who or maybe they will put a policy in place. I pray that this Honorable Court will rule in my favor.

Respectfully Submitted,  
 Douglas L. Walker #1891588  
 Douglas Lee Walker



C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_ YES ☒ NO

D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): N/A
2. Case number: N/A
3. Approximate date warning were imposed: N/A

Executed on: N/A  
(Date)

Douglas Lee Walker  
(Printed Name)

Douglas L. Walker  
(Signature of Plaintiff)

### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachment thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits are dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger or serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire **\$350** filing fee and costs assess by the Court, which shall be deducted in accordance with the law from the inmate account by my custodian until the filing fee is paid.

Signed this 4<sup>th</sup> day of September, 20 15.  
(Day) (Month) (Year)

Douglas Lee Walker  
(Printed Name)

Douglas L. Walker  
(Signature of Plaintiff)

**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limbed to monetary sanctions and/or the dismissal of this action with prejudice.**